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SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. RATA (New Zealand)
(Vice-Chairman)

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In the absence of Mr. Tshering (Bhutan), Mr. Rata (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3, A/50/76, A/50/83, A/50/130, A/50/131, A/50/138-S/1995/229, A/50/139, A/50/169-S/1995/343, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/267, A/50/345, A/50/407, A/50/425-S/1995/787, A/50/437, A/50/475, A/50/483, A/50/523-S/1995/845, A/50/675-S/1995/884, A/50/689-S/1995/890, A/50/707)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36, A/50/743)

1. Mrs. RUSSELL (Barbados), speaking on behalf of the 13 States Members of the United Nations which were also members of the Caribbean Community (CARICOM), paid a tribute to the United Nations High Commissioner for Human Rights who during his brief tenure had already established a dialogue with Governments on human rights questions. The countries members of the Caribbean Community also were encouraged by the growing coordination in that field among United Nations bodies. In particular, it had noted with satisfaction that the United Nations Children's Fund (UNICEF) examined compliance by States Parties with the Convention on the Rights of the Child in its annual report entitled "The Progress of Nations". The United Nations watchdog role in the field of human rights was all the more vital because, despite the attention of the media and non-governmental organizations, many silent tragedies still occurred. The

countries of the Caribbean Community therefore supported the idea of establishing a human rights education programme and developing early warning and urgent intervention procedures when human rights violations occurred. In that connection, the CARICOM States noted with concern that the Centre for Human Rights was inadequately funded. That financial deficiency severely hampered the work of the United Nations in that field.

2. As to the world human rights situation, the States of the Caribbean Community hoped that the prospects for peace in the territories of the former Yugoslavia would put an end to the extreme violations of human rights and fundamental freedoms in that region. They also hoped that, despite the assassination of Mr. Rabin, the Israeli Prime Minister, whose dedication to the peace process would long be remembered, tolerance would ultimately triumph in that part of the world. With regard to the situation in Haiti, the CARICOM States had looked forward to the normalization of Haitian civil society with the assistance and cooperation of the international community. They had therefore been concerned to learn through the Independent Expert on the situation of human rights in Haiti of problems of institution-building, particularly with regard to the judicial system. The outbreaks of violence which had occurred in Haiti in recent weeks were also of concern. Like the Independent Expert, the CARICOM States hoped that the upcoming elections would be peaceful. They were convinced that the complete rehabilitation of Haiti would come only with political stability and democracy, economic recovery and the establishment of a genuine culture of human rights.

3. The CARICOM States attached considerable importance to the equal status of women and the recognition of their fundamental human rights, concepts which had been reaffirmed in the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights (Vienna, 1993).

4. They also wished to reiterate the importance which they attached to cultural, economic and social rights. A giant step had been taken at the Vienna Conference when the right to development had been affirmed as a fundamental human right. The importance of that right had been reaffirmed both by the United Nations High Commissioner for Human Rights, who had drawn attention to the linkage between extreme poverty and violations of those rights, and by the World Summit for Social Development, in the Programme of Action adopted at Copenhagen.

5. In conclusion, the States of the Caribbean Community reaffirmed their belief that respect for human rights could grow fully only in an atmosphere of justice, democracy and peace.

6. The CARICOM States would participate actively in the work of the United Nations system and would cooperate fully with the United Nations High Commissioner for Human Rights, who faced a priority challenge in the post-cold-war era.

7. Mr. OTOLE (Sudan) deplored the lack of objectivity in the report of the Special Rapporteur on the situation of human rights in the Sudan (A/50/569) and stressed the considerable progress made in his country since the establishment of the National Salvation Revolutionary Government. Recognizing the importance

of popular participation in the decision-making process, the Government had convened several national conferences to promote dialogue on all issues of public interest.

8. Convinced that democracy was a prerequisite for respect for human dignity and socio-economic development, the Sudan had held popular congresses at the national, regional, provincial and local levels. The first round of elections at the state level had been completed; and the final stage of elections for the national Parliament and the Presidency of the Republic would take place early in 1996. The electoral registry had been drawn up, marking the completion of the transition to democracy.

9. Since the country had adopted federalism to ensure direct political participation by all groups, 26 federal states with full autonomous jurisdictions had been established. Seven of the 16 northern states no longer received financial support from the federal Government, meaning that the 10 southern states would get more financial support in return. Owing to that devolution of power, the southern population was represented at the local and federal levels.

10. The twelfth constitutional decree signed by the President had defined the relationship between the federal Government and the states. The relationship between the State and religion, the equitable distribution of national wealth and the establishment of state legislative councils had made it possible to resolve ethnic, cultural and religious differences.

11. The current Government had always been keen to reach a peaceful solution to the conflict in the southern part of the country. That conflict, moreover, had begun before the Government had come to power and before the application of the Shariah laws in the Sudan. For that reason, the Government had convened a conference for a national dialogue in 1989. It had also welcomed and participated in all the peace initiatives undertaken by the international community. The rebel movement was to blame for the stalemate in those talks.

12. The Government had also substantially contributed to the peace process by promoting the return of rebel soldiers to the country and the settlement of civilians from rebel-held areas in government-controlled territory.

13. The Sudan had taken important measures to rectify the economic situation in the country: the adoption of a commercial pricing system for subsidized commodities, introduction of a free exchange policy, privatization of some public institutions, liberalization of prices for agricultural products and gradual liberalization of import prices.

14. The Government had also given great attention to the development of the agricultural sector, the backbone of the Sudanese economy, in order to achieve its objective of self-sufficiency, in spite of the negative impact of the undeclared economic blockade imposed on the Sudan. The International Monetary Fund and other institutions moreover had praised the good results achieved by Sudanese economy, which reflected the efforts made by the Government since the revolution.

15. Institutions such as the zakat (alms-tax) had been established to promote social solidarity. Most of the funds raised thereby had been allocated to help the poor and alleviate the effects of poverty.

16. New colleges and universities had been established; and the admission rate had increased by more than 500 per cent. In addition, the Government was planning to make basic education compulsory and had also drawn up a plan to eradicate illiteracy within the next 10 years.

17. The General Assembly, at its forty-eighth session, and the representative of the Secretary-General had commended the efforts made by the Sudanese Government in the field of humanitarian assistance. His country attached special importance to humanitarian aid, in spite of the violations and excesses committed by some non-governmental organizations operating in the south. In that connection, the Sudan believed that the Special Rapporteur of the Commission on Human Rights would be well advised to join those who had demonstrated greater objectivity.

18. Mr. PERERA (Sri Lanka) recalled that, as the High Commissioner for Human Rights had pointed out in his report, the promotion and protection of human rights were the primary responsibility of Governments and depended on appropriate policies and structures at the national level. Sri Lanka welcomed the approach taken by the High Commissioner, who had initiated a dialogue with Governments in that field, which he considered crucial achieving a world order based on cooperation, stability and peace. In that regard, the heads of State of the non-aligned movement meeting in Cartagena had welcomed the suggestion to maintain a permanent dialogue with the High Commissioner.

19. The Vienna World Conference on Human Rights had been precisely the occasion for considering ways to strengthen international cooperation in order to promote democracy and respect for human rights, including the right to development and economic, social and cultural rights, which were sometimes neglected. Furthermore, as the participants at the World Summit for Social Development in Copenhagen had underscored, the promotion and protection of all human rights and fundamental freedoms as well the strengthening of democracy within the framework of equitable economic relations and a favourable international economic environment were an integral part of social development.

20. With regard to the human rights of women, particularly the right to equal status, which was dealt with in the Beijing Platform for Action, he stressed that the first woman prime minister in the world had been elected in Sri Lanka and that the election of Mrs. Kumaratunga to the office of President by an overwhelming popular vote indicated that Sri Lankans accepted the role of women in political and social life and their holding the highest public offices.

21. The representative of Norway had said that one of the most difficult challenges facing the international community was the question of ensuring respect for the rights of persons belonging to ethnic, religious or linguistic minorities, while guaranteeing the territorial integrity and political independence of States. In other words, recognition of a minority did not imply recognition of territorial demands. In that connection, the representative of the European Union had referred to the situation in Sri Lanka, where terrorist

acts were being perpetrated. The current Government had been elected precisely to address the ethnic questions in the country, which had been exacerbated by the violent activities of a separatist group, the Liberation Tigers of Tamil Eelam (LTTE). When the Government, in order to solve those problems, had put forward proposals for the devolution of power, which were currently the subject of a great national debate in keeping with Sri Lanka's democratic traditions, the LTTE had continued to resort to violence, for which they had been universally condemned. That violence had led to the displacement of civilians, who had become entirely dependent on assistance from the Government and the International Committee of the Red Cross. In that regard, his delegation wished to express its appreciation for the offers of assistance received by his Government.

22. Ms. HADAR (Israel), speaking on agenda item 112 (a), said that the United Nations instruments for human rights had been created to monitor the implementation of United Nations conventions and treaties relating to those rights, but they did not possess the means to force States parties to those instruments to apply their provisions. It had to be admitted that certain countries had been negligent in carrying out their responsibilities or had experienced difficulty in fulfilling their obligations - some had delayed submission of their reports and others had not actually complied with the instruments to which they were signatories; those problems had been amply demonstrated by the endless discussions about women's rights in the Third Committee and at the Beijing Conference. It was therefore hardly surprising that the practices which such bodies denounced continued to exist, particularly in the Balkans and Africa. Regional treaties might stand a better chance of being implemented and being incorporated into national legislation.

23. Her Government had signed 17 international human rights treaties and ratified 15 others, not to mention the four Geneva Conventions. The principles embodied in those international agreements had long been embedded in Israeli legislation and had become a part of the country's moral values. The peace treaty between Israel and Jordan, the implementation of the Interim Agreement with the Palestinian Authority and the recent summits in Amman and Casablanca had promoted regional cooperation, which included cooperation in the field of human rights.

24. Her Government had also been active in the context of international forums, for example the recent Barcelona Conference which had aimed at promoting security, stability, prosperity and culture in the countries of the European Union and the 12 countries of the Mediterranean Basin. Her Government was also active in the multilateral peace talks on the Middle East, in which the protection of human rights had assumed an integral role. Her delegation hoped that those talks would promote the cause of human rights in the Middle East, in particular the right to life, and that, as recommended by resolution 1993/51 of the Commission on Human Rights, regional arrangements for the protection of human rights could one day be put in place in the form of a regional commission. Her Government looked forward to the time when the level of regional cooperation would finally make it possible to conclude a regional human rights treaty.

25. Mr. SABOIA (Brazil) said that the number of issues examined and reports submitted on agenda item 112 demonstrated that human rights had become a

priority concern of the international community, and also that enormous difficulties remained in translating those rights into reality.

26. His delegation was grateful to the High Commissioner for Human Rights for submitting a report that dealt with the issue in a balanced way, for embarking on non-political dialogue with various Governments regarding important and sometimes delicate situations, and for incorporating a human rights dimension into the activities of United Nations bodies. As the Vienna Declaration and Programme of Action had stressed, democracy, human rights and development were closely interrelated. In that context, his delegation highly valued the High Commissioner's efforts to attract additional financial support, including funds from international financial institutions, for activities designed to strengthen democracy and respect for the rule of law. He also hoped that the Centre for Human Rights, the restructuring of which had been announced by the High Commissioner, would receive adequate financial and human resources.

27. His delegation appreciated the reports of the various Rapporteurs and Special Representatives and the cooperation that a number of countries had extended to them, and urged those countries which had not yet cooperated to do so. His delegation believed that it was essential to simplify the presentation of reports submitted to monitoring bodies and to avoid duplication of work. Those bodies had made significant progress in closely following up implementation of their recommendations within the limits of their mandate. His Government was fully committed to fulfilling the obligations it had entered into by subscribing to such instruments, as witnessed by the initial report of Brazil on the implementation of the International Covenant on Civil and Political Rights. That report, which had been compiled with the assistance of the University of Sao Paulo, would be followed by a report to the Committee on the Elimination of Racial Discrimination. Other reports would be submitted at a later date when his Government had established the appropriate operational structure.

28. His Government attached great importance to human rights, and hence the Brazilian President Mr. Fernando Henrique Cardoso had made human rights the centrepiece of his national day address. The President had called upon the judiciary to put an end to impunity and requested the Congress to consider bills designed to strengthen the protection of witnesses and to characterize the crime of torture in penal legislation. The Ministry of Justice had been requested to elaborate a national action plan with a view to improving social protection and strengthening respect for human rights. The University of Sao Paulo had been instructed to elaborate the first draft of the plan, which would be further discussed in seminars relating to different topics such as police violence and impunity, organized crime and rural violence. The action plan, which was the first to be adopted in Latin America pursuant to the recommendation contained in the Vienna Declaration and Programme of Action, would be ready by the end of April 1996.

29. President Cardoso had announced the creation of a national human rights prize and launched a campaign to mobilize society in defence of human rights. A high-level meeting had already been held with the participation of top-level government bodies and representatives of non-governmental organizations to assess the overall situation of children in Brazil. A national campaign against

child exploitation, including child labour and prostitution, had been inaugurated in Brasilia.

30. President Cardoso had also used the 300th anniversary of the death of Zumbi dos Palmares, a black freedom fighter and leader of fugitive slaves, to urge Brazilian society to totally eradicate racial discrimination by adopting special programmes to help the country's black citizens. His Government had also welcomed the June visit by Mr. Glèlè-Ahanhanzo, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Brazil had cooperated fully with the Special Rapporteur and looked forward to his report at the following session of the Commission on Human Rights.

31. His Government had also addressed the question of persons who had disappeared for political reasons during the 21 years of the military regime in Brazil. It had proposed the adoption of a bill which would enable the victims' families to receive financial compensation. A special commission would be established to consider requests from the families of disappeared persons. The Government had thus sought to promote reconciliation and heal the wounds left by that sad period of Brazilian history.

Statements made in exercise of the right to reply

32. Mr. ASIRDIN (Indonesia) referred to the statement made by the representative of Spain on behalf of the European Union, in which he had given a totally false picture of the situation in East Timor. It was regrettable that the European Union had yet again distorted the facts by using expressions such as "growing tension" and "increasing repression", whereas in fact the problem was confined to a handful of elements who were seeking to disrupt public order. The European Union had done its utmost to paint a negative picture of Indonesia, but its efforts had been to no avail. Journalists who had been to East Timor had found that the situation in the region had improved. Moreover, everyone knew that Indonesia had always cooperated in good faith with the Commission on Human Rights and had nothing to hide. The High Commissioner for Human Rights intended to travel to East Timor in the near future. Regarding the case of Xanana Gusamo, his delegation had provided detailed information on the matter, specifically with regard to the investigations which had been conducted. His delegation could not understand what the European Union had to gain by continually repeating the same things. Its remarks in no way contributed to three-way dialogue, but merely served political interests. His delegation wished to reaffirm its total commitment to the cause of human rights.

33. Mr. ALOR (Sudan) said that he wished to respond to the unwarranted remarks about the Sudan made by the representatives of the United States of America and Australia. He recalled that in November 1994, Lord McNair, speaking in the British House of Lords, had denounced the attitude of the West towards the Sudan. There could be no doubt that the allegations made by the representatives of the United States and Australia were taken from the report of the Special Rapporteur on the situation of human rights in the Sudan (A/50/569).

34. The criticism of the Sudan by the representative of the United States was all the more inappropriate given that, in his delegation's view, the human

rights situation in that country was one of the worst in the world. He mentioned as examples the genocide against the American Indians; the discrimination against African-Americans and other persons of colour; the continuing struggle by working women for salaries equal with those of their male counterparts; the belated accession of the United States to the International Covenant on Civil and Political Rights and its failure to accede to the International Covenant on Economic, Social and Cultural Rights, whereas the Sudan had been a party to those Covenants since March 1986; and the existence in the United States, as reported at a recent symposium in Florida, of slavery, the slave trade, servitude, forced labour and related practices which constituted gross violations of human rights.

35. He wished to emphasize once again the positive measures taken by his Government to ensure the well-being of the Sudanese people since the National Salvation Revolution had come to power in June 1989. The Government had released all political prisoners and had undertaken to hold parliamentary and presidential elections in 1996. State elections had already been completed in the majority of the country's states, and state parliaments had begun to assume their legislative powers. All those measures had been warmly welcomed, including by the European Union. In defining its orientation, his Government was guided by its religious convictions and the traditions of the Sudanese people, not by the desire to appease other countries. With regard to the civil war in the Sudan, his delegation had repeatedly informed the Third Committee that the continued existence of remnants of the Sudan People's Liberation Army (SPLA) was due to the material and moral support it received from certain Western countries, including the United States. His Government was determined, however, to re-establish peace and stability in the Sudan, as the representative of the United States knew very well.

36. His delegation also believed that Australia was in no position to give lectures on human rights issues, given its degrading, inhuman and discriminatory treatment of its indigenous population.

37. The criticism of his country by certain States, particularly the United States, demonstrated that human rights issues had become a political question extending beyond the scope of the defence of human rights.

38. Mr. AL-DOURI (Iraq) said that the attacks against the President of Iraq in the recent statement by the representative of the United States were contrary to diplomatic etiquette. Her aggressive attitude was incompatible with the norms governing international relations. Dialogue was one of the hallmarks of the civilized world to which the United States claimed to belong. Iraq, which had a history dating back more than 5,000 years, did not need any lessons in that respect.

39. With regard to the biological programme to which the representative of the United States had alluded, in his view, that issue fell within the competence of the special commission mandated by the Security Council to examine it.

40. The horrific allegations made by the representative of the United States concerning the use of chemical and biological weapons by Iraq were entirely false. Iraq had never used such weapons, although the coalition forces led by

the United States had dropped 100,000 tons of bombs on Iraq, including devices outlawed by the international community. The representative of the United States, who presented her country as a champion of human rights, had neglected to mention the role of the United States in the genocide committed against the Iraqi people since 1990 because of the continuation of the unjust economic embargo. The sole aim of the embargo, as well as of the various resolutions adopted by the Security Council, was to divide Iraq, violate its sovereignty and deny its people the right to lead a decent life.

41. The allegations of human rights violations in Iraq made by the representatives of Australia and the United States were nothing but repetitions of the accusations by the Special Rapporteur on the situation of human rights in Iraq, who was well known for his lack of honesty and objectivity.

42. Mr. KIAEE (Islamic Republic of Iran) said that several delegations, including the United States delegation, had seen fit to criticize the human rights situation in Iran. In fact, the countries which were always ready to denigrate others were precisely those which were themselves most blameworthy. Thus, in the United States torture, poor treatment of detainees, denial of justice on grounds of race and police brutality were common practice and racial discrimination was institutionalized. One need only consult the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance (A/50/476) to be convinced of that fact. Lastly, what could be said of the thousands of children who, in certain countries, were forced into prostitution and of the 8 million unborn children who, in Europe alone, were murdered each year, constituting a veritable holocaust.

43. It was unfortunate that, once again, some countries, particularly the United States of America, were using human rights issues as a means of bringing political pressure to bear on other States.

The meeting rose at 4.50 p.m.